

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALDO DAVICO, JR.,

O R D E R
Civ. No. 05-6052-TC

Plaintiff,

vs.

GLAXO SMITHKLINE
PHARMACEUTICALS, a foreign
corporation,

Defendant.

AIKEN, Judge:

Magistrate Judge Coffin filed his Findings and Recommendation on August 2, 2007. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiff has timely filed objections. I have, therefore, given the file of this case a de novo review. I ADOPT the Magistrate's Findings and Recommendation (doc. 109) that

1 defendant's motion for summary judgment (doc. 62) is granted and
2 this case is dismissed. Further, the court declines to consider
3 new evidence, nor allow the plaintiff to conduct additional
4 discovery. See United States v. Howell, 231 F.3d 615, 621-22 (9th
5 Cir. 2000; and the record before this court detailing the
6 discovery process before Judge Coffin.

7 IT IS SO ORDERED.

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9 Dated this 9 day of October 2007.

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13 /s/ Ann Aiken
14 Ann Aiken
15 United States District Judge
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